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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,070	11/28/2000	Jerry W. Noles, Jr.		5009

7590 09/22/2004
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EXAMINER

KOPEC, MARK T

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/724,070	NOLES, JR., JERRY W.	
	Examiner	Art Unit	
	Mark Kopec	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 12-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Applicant's election without traverse of Group I (claims 1-11) in the reply filed on 7/7/04 is acknowledged.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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Claims 1-4 and 9 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Lowther (5,298,281).

Lowther (5,298,281) discloses method for treating tubulars wherein a plurality of ablating, gelatin pigs are sequentially passed through the tubular to deposit a relatively thin film or protective layer of gelatin onto the wall of the tubular. All of the plurality of pigs are inserted into the tubular at a single insertion point but each pig substantially treats only its respective portion or length of the tubular. That is, a first pig deposits a gelatin layer on the wall of a first portion or length of the tubular, a second pig deposits a layer on a second portion or length of the tubular, and so forth (Abstract). All of the plurality of pigs are inserted into the tubular at a single insertion point but each pig substantially treats only its respective portion or length of the tubular. That is, a first pig deposits a gelatin layer on the wall of a first portion or length of the tubular, a second pig deposits a layer on a second portion or length of the tubular, and so forth. As used herein, "tubular" is intended to include any pipe or conduit through which fluids (i.e. liquids and gases) and solids (i.e. particulates) are flowed (Col 4, lines 20-32). It should be recognized that the actual compositions can vary if a

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situation dictates; (e.g. one pig can have more or less treating fluid, magnetic particles, gelatin content, etc. than the others pigs). Flow in pipe 10 is resumed which will cause pig 30 to pass through first portion 10a of pipe 10 and on into and through second portion 10b. The layer 20a of gelatin which has been deposited from pig 20 provides, in itself, a good lubricating film throughout first portion 10a which, in turn, substantially reduces the friction between pig 30 and the wall of portion 10a to a level where there will be little, if any, ablation of pig 30 as it passes through first portion 10a (Col 7, lines 35-45). The disclosure of different compositions (for each pig) meets each of applicant's requirements regarding "first reservoir having a first liquid liner component" and "second reservoir having a second liquid liner component".

The reference is anticipatory.

In the event that any minor modifications are necessary to meet the claimed limitations, such as selection of a particular pump or nozzle configuration, such modifications are well within the purview of the skilled artisan.

Claims 5-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowther (5,298,281).

Lowther (5,298,281) is relied upon as set forth above. The reference differs from the above listed instant claims in

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failing to specifically disclose the particular power source, control line/transmission line configuration.

It is the examiner's position that the selection of power source(s) or control line/transmission line configuration are well-known design choices which would have been obvious to the skilled artisan.

Claims 1-4 and 10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over EP 145,266.

EP 145,266 discloses apparatus for spray lining pipes. The mixer arrangement for the coating material includes a preliminary static mixer or mixer manifold in sledge 3 to which the two parts of the polyurethane resin composition are individually supplied via respective remotely operable valves. The valves may be pneumatically operated, electromagnetically controlled valves, mounted on the sledge or manifold (page 4, lines 16-25). The sledge 4 carries a final mixer arrangement, connected to a sprayer arrangement terminating, at the rear of the sledge, in a rotary spray head or spinner (page 3, lines 19-30). It appears the disclosed sledge 4/spray head arrangement meets each of the instant requirements regarding "applicator in communication...transmission line" (see instant specification, page 11, lines 10-18).

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The reference is anticipatory.

In the event that any minor modifications are necessary to meet the claimed limitations, such as selection of a particular pump or nozzle configuration, such modifications are well within the purview of the skilled artisan.

Claims 5-9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 145,266.

EP 145,266 is relied upon as set forth above. The reference differs from the above listed instant claims in failing to specifically disclose the particular power source, control line/transmission line configuration.

It is the examiner's position that the selection of power source(s) or control line/transmission line configuration are well-known design choices which would have been obvious to the skilled artisan.

Claims 1-4 and 10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hughes et al (5,092,265).

Hughes discloses Apparatus for applying a two component coating material to a surface defining a cavity. The apparatus includes injection means for injecting coating material into the cavity and means for generating a turbulent region into which region the coating material is injected and for dispersing the

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coating material radially outward toward the surface. The present invention also employs a novel method for applying a coating to the surface of a symmetrical cavity comprising the steps of advancing a coating apparatus mounted at the end of an elongated support member into the cavity to be coated and applying the coating to the interior surface of the cavity (Abstract). the present invention employs a pneumatically driven turbine impeller that both mixes two components of the coating material, the resin base and the curing catalyst, and distributes the coating material in a uniform manner upon the surface to be coated. The primary method of mixing is achieved by the turbulent action produced by the vanes of the impeller. Additionally, these vanes are the source of directional distribution of the coating material to the vertical surface (Col 3, lines 5-10). The liquid resin base is pumped by an independent pump, not shown in FIG. 1, through resin base line 72 to a resin base distribution manifold 74. Resin base distribution manifold 74 is mounted to supporting member 12 by support bracket 75, which is bolted to supporting member 12. The resin base distribution manifold 74 splits and conveys the resin base in approximately equal portions through three resin base tubes 76. The number of resin base tubes may vary depending upon the character and amount of resin base to be dispensed. The

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three resin base tubes 76 inject the resin base into a region 78 proximate to impeller 60. The chemical nature of the resin base is determined by the use desired and is unimportant to the invention. Typical resin bases include, however, polyesters and other resin bases (Col 4, lines 58-68). It appears the disclosed impeller (60, 78) arrangement meets each of the instant requirements regarding "applicator in communication...transmission line" (see instant specification, page 11, lines 10-18).

The reference is anticipatory.

In the event that any minor modifications are necessary to meet the claimed limitations, such as selection of a particular pump or nozzle configuration, such modifications are well within the purview of the skilled artisan.

Claims 5-9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes et al.

Hughes et al is relied upon as set forth above. The reference differs from the above listed instant claims in failing to specifically disclose the particular power source, control line/transmission line configuration.

It is the examiner's position that the selection of power source(s) or control line/transmission line configuration are

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well-known design choices which would have been obvious to the skilled artisan.

In view of the foregoing, the above claims have failed to patentably distinguish over the applied art.

The remaining references listed on forms 892 and 1449 have been reviewed by the examiner and are considered to be cumulative to or less material than the prior art references relied upon in the rejection above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Kopec whose telephone number is (571) 272-1319. The examiner can normally be reached on Monday - Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Kopec
Primary Examiner
Art Unit 1751

MK

September 21, 2004